

# HB3060



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3060

by Rep. Justin Slaughter

### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-4.5-100

Amends the Unified Code of Corrections. Eliminates provision providing that an offender sentenced to a term of imprisonment for offenses where a period of probation, a term of periodic imprisonment, or conditional discharge may not be imposed under the Code shall not receive credit for time spent in home detention prior to judgment. Modifies definition of "custody" to include electronic home monitoring.

LRB101 11154 SLF 56386 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Section 5-4.5-100 as follows:

6 (730 ILCS 5/5-4.5-100)

7 Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

8 (a) COMMENCEMENT. A sentence of imprisonment shall  
9 commence on the date on which the offender is received by the  
10 Department or the institution at which the sentence is to be  
11 served.

12 (b) CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set  
13 forth in subsection (e), the offender shall be given credit on  
14 the determinate sentence or maximum term and the minimum period  
15 of imprisonment for the number of days spent in custody as a  
16 result of the offense for which the sentence was imposed. The  
17 Department shall calculate the credit at the rate specified in  
18 Section 3-6-3 (730 ILCS 5/3-6-3). ~~The Except when prohibited by~~  
19 ~~subsection (d), the~~ trial court shall give credit to the  
20 defendant for time spent in home detention on the same  
21 sentencing terms as incarceration as provided in Section 5-8A-3  
22 (730 ILCS 5/5-8A-3). The trial court may give credit to the  
23 defendant for the number of days spent confined for psychiatric

1 or substance abuse treatment prior to judgment, if the court  
2 finds that the detention or confinement was custodial.

3 (c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender  
4 arrested on one charge and prosecuted on another charge for  
5 conduct that occurred prior to his or her arrest shall be given  
6 credit on the determinate sentence or maximum term and the  
7 minimum term of imprisonment for time spent in custody under  
8 the former charge not credited against another sentence.

9 (c-5) CREDIT; PROGRAMMING. The trial court shall give the  
10 defendant credit for successfully completing county  
11 programming while in custody prior to imposition of sentence at  
12 the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3). For the  
13 purposes of this subsection, "custody" includes time spent in  
14 home detention or electronic home monitoring under Section  
15 5-8A-3.

16 (d) (Blank). ~~NO CREDIT; SOME HOME DETENTION. An offender~~  
17 ~~sentenced to a term of imprisonment for an offense listed in~~  
18 ~~paragraph (2) of subsection (c) of Section 5-5-3 (730 ILCS~~  
19 ~~5/5-5-3) or in paragraph (3) of subsection (c-1) of Section~~  
20 ~~11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501) shall~~  
21 ~~not receive credit for time spent in home detention prior to~~  
22 ~~judgment.~~

23 (e) NO CREDIT; REVOCATION OF PAROLE, MANDATORY SUPERVISED  
24 RELEASE, OR PROBATION. An offender charged with the commission  
25 of an offense committed while on parole, mandatory supervised  
26 release, or probation shall not be given credit for time spent

1 in custody under subsection (b) for that offense for any time  
2 spent in custody as a result of a revocation of parole,  
3 mandatory supervised release, or probation where such  
4 revocation is based on a sentence imposed for a previous  
5 conviction, regardless of the facts upon which the revocation  
6 of parole, mandatory supervised release, or probation is based,  
7 unless both the State and the defendant agree that the time  
8 served for a violation of mandatory supervised release, parole,  
9 or probation shall be credited towards the sentence for the  
10 current offense.

11 (Source: P.A. 96-1000, eff. 7-2-10; 97-697, eff. 6-22-12.)